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REMARKS

Claims 1-5, 9, and 18-16 are in the case. Claims 13-17 are withdrawn from consideration as being drawn to a nonelected invention. Claims 6-8, and 10-12 are withdrawn from consideration as being drawn to a non-elected species.

Claim Rejections - 35 USC § 103(a)

Claims 1-5, 9 and 18-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,486,334 to Horiuchi et al. ("Horiuchi").

The Examiner states that Horiuchi teaches that the pearlizing composition "can have surfactants, which can be cationic, anionic." (Office action, p.3) The Examiner also states that Horiuchi teaches that the claimed cationic surfactant can be C₁₆-C₁₈ monoalkyl trimethyl ammonium chloride or cetrimonium chloride. (Office Action, p.3) Most importantly, the Examiner states that Horiuchi teaches that the pearlizing composition can be used individually or in combination with two kinds or more. (Office Action, p.3)

While Applicant acknowledges that Horiuchi discloses the use of cationic surfactants and the use of anionic surfactants, Application respectfully disagrees that Horiuchi teaches the combination of the use of both a cationic surfactant and an anionic surfactant in a pearlizing concentrate.

Horiuchi, on the contrary, discloses that a "highly concentrated aqueous dispersion of a pearlescent agent is readily obtained by the aid of two essential steps, comprises solubilizing a pearlescent agent in an aqueous solution of a surfactant, at least about a half amount or at least a substantial amount thereof forming the middle phase liquid crystal" (Col. 2, ll 16-21) (emphasis added) In other words, Applicant submits that Horiuchi discloses the use of only one type of surfactant (e.g., cationic, anionic or non-ionic) with a pearlescent agent. While

Horiuchi briefly mentions that surfactants can be used "individually or as a combination of two kinds or more" (Col. 3, ll. 67-8), such a reference, when read in the context of Horiuchi as a whole, is to the use of one or more surfactants of the same kind, e.g., two or more of a cationic surfactant or two or more of an anionic surfactant or two or more of a non-ionic surfactant.

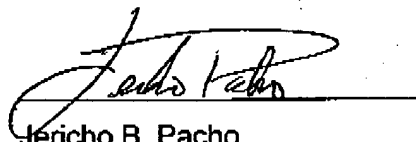
In support, all of the examples listed in Horiuchi disclose the use of only one type of surfactant in combination with a pearlescent agent. Example 1 discloses the use of only one type of surfactant, α -olefinsulfonate, which is an anionic surfactant. (Col. 5, ll 38-39) Example 2 discloses the use of one type of surfactant, sodium polyoxyethylene lauryl ether sulfate, which is a non-ionic surfactant. (Col. 5, ll57-59) In fact, in Example 2, one type of surfactant (anionic) was replaced by an entirely different type of surfactant (non-ionic). Example 3 discloses the use of only one type of surfactant, C_{16} - C_{18} monoalkyl trimethyl ammonium chloride, which is a cationic surfactant. (Col. 6, ll1-2) Example 4 discloses the use of only one type of surfactant, lauryl dimethyl carboxymethyl ammonium betaine, which is a cationic surfactant. (Col. 6, ll 15-16) Finally, Example 5 discloses the use of only one type of surfactant, polyoxyethylene di(stearic acid) ester, which is a non-ionic surfactant. All of the aforementioned examples list the use of only one type of surfactant.

Accordingly, Applicant respectfully submits that a person having ordinary skill in the art would not have found the present invention obvious in view of the disclosure of Horiuchi because Horiuchi fails to disclose or suggest the use of both a cationic surfactant and an anionic surfactant required by Applicant's claim 1.

For all the reasons discussed above, Applicant submits that the claims of present application patentably distinguish the present invention over Horiuchi and therefore respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 1-5, 9 and 18-26. It is believed that all grounds of rejection

have been traversed, and that the rejections should be withdrawn, and the application allowed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jericho B. Pacho", is written over a horizontal line.

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